

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1, 4, 5, and 7 are pending. Claims 1 and 4-5, which are independent, are hereby amended. Claims 2-3 and 6 are hereby canceled, without prejudice or disclaimer of subject matter. Independent claim 7 is hereby added. Support for this amendment is provided throughout the Specification as originally filed, and specifically at pages 38-42 and Figure 8.

No new matter has been introduced by this amendment. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §101**

Claim 5 was rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. The present amendment obviates this rejection.

### **III. REJECTIONS UNDER 35 U.S.C. §102(b)**

Claims 1-2 and 4-6 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by European Application Publication No. 1,118,998 to Watanabe et al. (hereinafter, merely "Watanabe").

As understood by Applicant, Watanabe relates to a multimedia information recording device and a method for recording multimedia information on a recording medium. In order to efficiently store multimedia information in a file storage area on a recording medium, a multimedia information recording apparatus operates as follows: a data body and control information are generated from multimedia information supplied to the apparatus, and supplied to a file storage area. Information for linking a plurality of clusters where data are written is created by a multimedia information file formation section, and the multimedia information is formed as a multimedia information file in the recording medium.

Claim 1 recites, *inter alia*:

**“... recording control means for performing recording control to record said file onto said recording medium such that said first data is recorded so as to have data amount of an integral multiple of said unit of reading and writing of said recording medium by adding said third data onto said recording medium such that boundaries of said first data coincide with boundaries of said unit, and to record said second data made to have the data amount of an integral multiple of said unit by adding said third data onto said recording medium such that boundaries of said second data coincide with boundaries of said unit.”** (Emphasis added)

Applicants respectfully submit that nothing has been found in Watanabe that would teach or suggest the above-identified features of claim 1. Specifically, Watanabe does not teach or suggest recording control means for performing recording control to record said file onto said recording medium such that said first data is recorded so as to have data amount of an integral multiple of said unit of reading and writing of said recording medium by adding said third data onto said recording medium such that boundaries of said first data coincide with boundaries of said unit, and to record said second data made to have the data amount of an integral multiple of said unit by adding said third data onto said recording medium such that boundaries of said second data coincide with boundaries of said unit, as recited in claim 1.

Therefore, Applicants respectfully submit that independent claim 1 is patentable.

Independent claims 4 and 5 are similar, or somewhat similar, in scope to independent claim 1, and are therefore patentable for similar, or somewhat similar, reasons.

Claim 7 recites, *inter alia*:

**“... a master file generating means for generating a master file in the AV independent format;**

**... a metadata file generating means for generating a file unit metadata file in which the header metadata supplied from the header metadata extracting means is disposed and for generating a frame unit metadata file in which system items of edit units which system items are supplied from the system item processing means are disposed en bloc;**

**... a video file generating means for generating a video file by disposing picture items of the edit units which picture items are supplied from the picture item extracting means in a body en bloc, and for adding a header and a footer in the standard AV multiplex format to the body;**

**... an audio file generating means for generating an audio file for each channel by disposing en bloc audio data of each channel disposed in sound items of the edit units which sound items are supplied from the sound item extracting means in a body for each channel, and for adding a header and a footer in the standard AV multiplex format to the body.”**  
(Emphasis added)

Applicants respectfully submit that nothing has been found in Watanabe that would teach or suggest the above-identified features of claim 7. Specifically, Watanabe does not teach or suggest a master file generating means for generating a master file in the AV independent format. Watanabe does not disclose or suggest a metadata file generating means for generating a file unit metadata file in which the header metadata supplied from the header metadata extracting means is disposed and for generating a frame unit metadata file in which system items of edit units which system items are supplied from the system item processing

means are disposed en bloc. Watanabe does not teach or suggest a video file generating means for generating a video file by disposing picture items of the edit units which picture items are supplied from the picture item extracting means in a body en bloc, and for adding a header and a footer in the standard AV multiplex format to the body. Watanabe does not disclose or suggest an audio file generating means for generating an audio file for each channel by disposing en bloc audio data of each channel disposed in sound items of the edit units which sound items are supplied from the sound item extracting means in a body for each channel, and for adding a header and a footer in the standard AV multiplex format to the body, all as recited in claim 7.

Therefore, Applicants respectfully submit that independent claim 7 is also patentable.

#### **IV. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claim 3 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Watanabe in view of Japanese Application Publication No. 2002-218398 to Hirorshi et al. (hereinafter, merely “Hirorshi”).

As understood by Applicant, Hirorshi relates to a method for recording various A/V streams which enables random accessing of a transport stream and an apparatus, and to provide a method of recording and reproducing such medium. In the recording medium, arrival time information of an MPEG-TS packet arriving at a recorder are added to a specified MPEG-TS packet with a variable length and variable precision, an integral number of these are combined to form a real data part, specific information are added to every real data part to constitute a data unit of a fixed data length, and the size of the data unit is a fixed length equal to an integral multiple or fraction of EEC blocks on the recording medium.

Applicants respectfully submit that Hiroshi fails to provide the relevant disclosure discussed above, as recited in claim 1 or claim 7. Accordingly, Applicants respectfully submit that Watanabe and Hiroshi fail to render claims 1, 4, 5, and 7 unpatentable, and respectfully submit that claims 1, 4, 5, and 7 are patentable over Watanabe and Hiroshi.

**V. DEPENDENT CLAIMS**

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

**CONCLUSION**

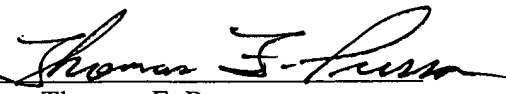
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Applicants respectfully submit that all of the claims are in condition for allowance and request early passage to issue of the present application.

Respectfully submitted,

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